

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ORDER

It is this 19th day of November, 2001 ordered that effective immediately Local Rules LCvR 83.11 was amended as follows:

[New language underlined; old language stricken]

**LOCAL CIVIL RULE 83.11
CIVIL PRO BONO PANEL**

(a) Attorneys who are members in good standing of the Bar of this Court are required under Rule 83.10(a) to assist or represent the needy in civil matters before this Court whenever requested by the Court, and, if necessary, without compensation. As one way to assist attorneys in meeting this requirement, and in light of the need for attorneys to represent indigent *pro se* litigants in civil matters before this Court, the Court hereby establishes a Civil Pro Bono Panel ("Panel") of attorneys who are members in good standing of the Bar of this Court and who have agreed to accept pro bono appointments to represent indigent *pro se* litigants in civil cases before this Court. Members of the Bar of this Court are urged to volunteer to serve on this Panel.

COMMENT TO LCvR 83.11(a): This amendment moves material previously in Paragraph (2) reminding lawyers of their obligation to provide representation to the needy in civil matters as requested by the Court and recites the purposes of the Civil Pro Bono Panel.

(b) The following procedures shall govern the appointment of attorneys from the Civil Pro Bono Panel to represent *pro se* parties who are proceeding *in forma pauperis* in civil actions and cannot obtain counsel by any other means. ~~For each civil action duly commenced in the District by or against such a *pro se* party, the judge to whom the action is assigned may issue an order of appointment and other orders relating to representation by the appointed attorney in accordance with the Rule where the judge has determined that the interests of justice so require.~~

(1) **COMMITTEE ON *PRO SE* LITIGATION.**

The Chief Judge shall appoint a Committee on *Pro Se* Litigation, which shall include ~~representatives~~ private practitioners and government attorneys who are members of the District of Columbia Bar and who practice ~~primarily in federal~~ this Courts, to oversee the Civil Pro Bono Panel established herein and annually report to the Court on the operation of the Panel.

COMMENT TO LCvR 83.11(b)(1): This amendment alters the criteria for membership on the Committee on Pro Se Litigation from D.C. Bar members "who practice primarily in federal courts" to members "practicing in this Court."

(2) **CIVIL PRO BONO PANEL.**

~~(A) — Attorneys who are members in good standing of the Bar of this court are required under LCvR 83.10(a) to assist or represent the needy in civil matters before this court whenever requested by the court. In light of the need for attorneys to represent indigent *pro se* litigants in civil matters before this court, the court hereby establishes a Civil Pro Bono Panel of attorneys who will be assigned to represent such litigants in such cases. Members of the Bar of this court are urged to volunteer to serve on this Panel.~~

(A) Attorneys ~~who~~, law firms, and clinical legal education programs ("Clinics") at law schools accredited by the American Bar Association ~~that~~ are willing to accept appointment to represent indigent *pro se* parties in civil actions may apply for designation to join the Civil Pro Bono Panel ~~on a~~. Appropriate forms shall be available from the Clerk of Court ~~or his or her designee (hereinafter "the Clerk")~~. Each application shall set forth, among other things:

(i) ~~that the attorney is a member in good standing of the Bar of this court or is in compliance with LCvR 83.10(b) of the Rules of this court;~~

(ii) ~~the attorney's prior civil trial experience or trial advocacy training and any particular experience or interest in specific types of civil cases (e.g. FOIA cases, habeas corpus petitions, social security claims, section 1983 actions) to which attorneys from the Panel are likely to be appointed;~~

~~(iii) — whether the attorney has the ability to consult and advise in languages other than English; and~~

~~(iv) — whether the attorney will accept more than one appointed case per calendar year.~~

~~(C) — A law firm may apply for designation to the Panel as a firm by completing the appropriate form available from the Clerk. In its application, the law firm shall set forth, among other things:~~

~~(i) — the number of appointed cases per calendar year the firm is able to accept;~~

~~(ii) — the ability of any firm attorneys to consult and advise in language other than English; and~~

~~(iii) — the name of a member of the firm designated as the Panel Liaison. Where an action is assigned to a participating firm the order of appointment may be directed to the firm, and the firm's Panel Liaison may assign the action to a firm attorney who shall be a member in good standing of the Bar of this court or have complied with the requirements of LCvR 83.10(b) of the Rules of this court.~~

~~(D) — A clinical legal education program at a law school accredited by the American Bar Association and located in the District of Columbia may apply to participate by completing the appropriate forms available from the Clerk. In the application the supervisor applying on behalf of the program shall set forth, among other things:~~

~~(i) — that the supervisor is a member in good standing of the Bar of this court or has complied with the requirements of LCvR 83.10(b) of the Rules of this court;~~

~~(ii) — the number of cases per calendar year the clinical program is able to accept;~~

~~(iii) — the ability of the supervisor and students to consult and advise in languages other than English; and~~

~~(iv) — any particular experience or interest in the specific types of civil cases to which attorneys from the Panel are likely to be appointed.~~

(i) in the case of a law firm, the name of a member of the firm designated as the Panel Liaison, to whom orders of appointment may be directed; and

(ii) that the individual attorney, Panel Liaison, or supervisor of the Clinic is a member in good standing of the Bar of this Court or is in compliance with Rule 83.10(b) of the Rules of this Court;

(iii) the attorney's prior civil trial experience or trial advocacy training;

(iv) whether the attorney, law firm or Clinic has the ability to consult and advise in languages other than English;

(v) the number of cases per calendar year the applicant is willing to accept;

(vi) any particular experience or interest in specific types of civil cases to which attorneys from the Panel are most often appointed (e.g. FOIA cases, habeas corpus petitions, social security claims, section 1983 actions, and employment discrimination cases) and any types of civil cases to which the applicant desires not to be assigned.

(B) Information on an application may be amended at any time by letter to the Clerk. An attorney, law firm or ~~law school clinical program~~ Clinic may by letter withdraw from the Panel at any time.

COMMENT TO LCvR 83.11(b)(2): This amendment consolidates the requirements for membership on the Panel, but the requirements are not substantively changed.

(3) ~~APPLICATION FOR APPOINTED~~ APPOINTMENT OF COUNSEL.

~~(A) A party appearing *pro se* may file an affidavit with the court pursuant to 28 U.S.C. § 1915(a) to proceed *in forma pauperis*, and may apply in writing for appointment of counsel. Failure of the *pro se* party to make a written application for appointed counsel shall not preclude such appointment with the consent of the *pro se* party.~~

~~(B) If the judge assigned the case determines, pursuant to 28 U.S.C. § 1915(e), that the case should not be dismissed, the judge may then determine whether~~

to appoint an attorney to represent such party. Such a determination should be made as soon as practicable after the action is assigned, taking into account:

When leave has been granted pursuant to 28 U.S.C. ' 1915 for a *pro se* litigant to proceed *in forma pauperis*, the judge to whom the case is assigned may, on application by the *pro se* party or otherwise, appoint an attorney from the Panel to represent such party. The appointment should be made taking into account:

- (iA) the nature and complexity of the action;
- (iiB) the potential merit of the *pro se* party's claims ~~as set forth in the pleading;~~
- (iiiC) the demonstrated inability of the *pro se* party to retain counsel by other means; and
- (ivD) the degree to which the interests of justice will be served by appointment of counsel, including the benefit the Court may derive from the assistance of the appointed counsel; and
- (v) ~~any other factors deemed appropriate by the judge to serve the interests of justice.~~

~~(C) Where a *pro se* litigant who was ineligible for appointed counsel at the outset of the litigation subsequently becomes eligible by reason of changed circumstances, the *pro se* litigant may apply to the judge for appointment of counsel within a reasonable time after the change in circumstances has occurred.~~

COMMENT TO LCvR 83.11(b)(3): The amendment consolidates three subsections into one to improve readability. The section retains the requirement that the party be granted leave to proceed *in forma pauperis* before being appointed counsel from the Panel. In (B), the provision limiting the Court to only the pleadings in deciding the "merit" of a *pro se* litigant's case was removed and in (C) added "demonstrated" to the "inability to pay" criterion.

(4) APPOINTMENT PROCEDURE.

~~(A) Whenever the assigned judge concludes that appointment of counsel is warranted, the judge shall issue an order pursuant to 28 U.S.C. ' 1915(d) directing appointment of an attorney from the Civil Pro Bono Panel to represent the *pro se* party. The attorney shall be chosen in accordance with paragraph (B) below. If service~~

~~of the summons and complaint has not yet been made, an order directing service by the Marshal for the District or by other appropriate method of service shall accompany the appointment order.~~

~~(B) — When the Clerk has received the Appointment Order from the judge, he or she shall select the next attorney on the Panel list to represent the *pro se* party in the action. Selection by the Clerk shall be made on a random basis from the list of attorneys, law firms, and law school clinical education programs (hereinafter "appointed attorney") on the Panel, unless the assigned judge advises the Clerk to select an appointed attorney with a specific expertise. The assigned judge shall not direct the appointment of a specific attorney.~~

~~(C) — Before selecting an appointed attorney to represent a *pro se* litigant, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been appointed in such case. Where an appointed attorney is already representing the litigant in a prior action, such attorney is encouraged but not required to represent the litigant in the new action. If the previously appointed counsel declines, the Clerk shall select another attorney, at random, in accordance with this Rule.~~

~~(D) — The Clerk shall send written notice of the appointment to the appointed attorney. Copies of the Appointment Order, this Rule governing procedures for appointment, any pleadings already filed in the case, and any relevant correspondence or other documents shall accompany such notice.~~

~~(E) — Upon receiving such notice, the appointed attorney shall enter a notice of appearance or seek relief from the appointment pursuant to Section (7) of this Rule within 30 days of the appointment, or within such additional period permitted by the assigned judge for good cause shown.~~

~~(F) — When the appointed attorney has entered his or her notice of appearance in the case, the attorney shall immediately also send written notice of the appointment, including his or her name, address, telephone number, and bar identification number to all parties in the action.~~

(A) The judge shall not direct the appointment of a specific attorney from the Panel but may advise the Clerk to attempt to select an attorney with particular expertise. If service of the summons and complaint has not yet been made, the judge may direct that service be made by the Marshal or by other appropriate method.

(B) Upon receiving the Appointment Order, the Clerk shall select a member of the Panel. In making the selection, the Clerk shall take into consideration the

experience and preferences of Panel members regarding specific types of cases and the equitable distribution of cases among Panel members.

(C) Before selecting an attorney, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been retained or appointed in such case. If so, such retained or appointed counsel shall be contacted by the Clerk and encouraged, but not required, to accept appointment to represent the litigant in the new action. If such counsel declines, the Clerk shall select another attorney in accordance with this Rule.

(D) The Clerk shall send a copy of the Appointment Order, this Rule, any pleadings, and any relevant correspondence or other documents to the appointed attorney.

COMMENT TO LCvR 83.11(b)(4): This amendment changes paragraph (A) to allow a judge to ask the Clerk for the appointment of an attorney with particular expertise, but still does not allow a judge to request a Panel member by name. In addition, the requirement that Panel members be selected randomly was removed from Paragraph (B) in favor of a more considered approach by the Clerk to allow for a Panel member's preferences and the equitable distribution of cases among Panel members.

(5) RESPONSIBILITIES OF THE APPOINTED ATTORNEY.

~~(A) Upon receiving a notice of appointment and entering an appearance in the action the Appointment Order, and unless a conflict of interest is apparent from the materials sent by the Clerk under subparagraph (b)(4) above, the appointed attorney shall promptly communicate, orally or in writing, with the newly represented *pro se* party concerning regarding the action. Such communication shall include exploration of any actual or potential conflicts of interest and whether the dispute could be resolved more appropriately in other forums or by other means.~~

~~(B) The appointed attorney should discuss fully the merits of the dispute with the party, and explore with the party the possibility of resolving the dispute in other forums, including but not limited to administrative forums.~~

~~(C) If the party decides to prosecute or defend the action after consultation with the appointed attorney, the appointed attorney shall proceed to represent the party in the action, unless or until the attorney-client relationship is terminated as provided in this Rule.~~

~~(D) — Once the appointed attorney accepts the case and the client, the attorney shall be free in the exercise of his or her professional judgment, but not required, to represent the client in or out of court in any other matter that would be appropriate in the case of a retained attorney and a fee-paying client.~~

~~(E) — Where an order of appointment has been directed to a participating law firm or law school clinical legal education program, the action shall remain the responsibility of the firm or of the clinical legal education program, notwithstanding the firm's or the program's assignment of the case to one of its attorneys.~~

(B) After any such consultation with the *pro se* party, the appointed attorney shall, within 30 days of receiving notice of the appointment or within such additional time permitted by the assigned judge for good cause shown, file either:

(i) a notice of appearance pursuant to Local Civil Rule 83.6(a); or

(ii) a notice of withdrawal or a motion for withdrawal from the appointment pursuant to paragraph (b)(6) of this Rule.

(C) If a notice of appearance is filed by the appointed attorney, the appointed attorney shall represent the party in the action from the date he or she files an appearance until (i) he or she has been relieved of the appointment by the Court according to the provisions of this Rule, (ii) the case has been dismissed, (iii) the case has been transferred to another Court, or (iv) a final judgment has been entered in the action by this Court.

(D) The appointed attorney accepting the appointment shall not be required to represent the client in any other matter.

(E) If an order of appointment has been directed to a participating law firm or Clinic, the action shall remain the responsibility of the firm or of the Clinic, notwithstanding the firm's or the program's assignment of the case to one of its attorneys.

(F) An attorney appointed under this Rule may, but is not required to, represent the *pro se* party:

(i) in any appeal taken either by the *pro se* party or an opposing party from a final judgment entered by this Court, provided, however, that if the appointed attorney elects not to represent the *pro se* party on such appeal, he or she shall

advise the party of the requirements for filing a notice of appeal or cross-appeal within sufficient time for the party to file such a notice *pro se*.

(ii) in any proceeding, in any forum, that is related or collateral to the action in this Court or that may ensue upon an order of dismissal or remand of the action in this Court.

COMMENT TO LCvR 83.11(b)(5): This paragraph was rewritten to include in one place all of the responsibilities of appointed counsel, including material that was listed in former paragraphs (5)(E), (5)(F) and (11). In addition, the amendment clarifies that the responsibility of an attorney to represent the litigant commences when a notice of appearance is filed and continues until the matter is concluded at the District Court or until the attorney is otherwise relieved. The amendment also clarifies that the appointed attorney has no obligation to represent the client in any other case or in an appeal or in any collateral action following a dismissal or remand.

(6) RELIEF FROM APPOINTMENT.

(A) An appointed attorney may ~~apply to~~ be relieved of an order of appointment only on the following grounds:

(i) a conflict of interest precludes the attorney from representing the party in the action; or

(ii) a substantial disagreement exists between the attorney and the party on litigation strategy; or

(iii) in the attorney's opinion, formed after reasonable inquiry, the claim or defense is not well grounded in fact; or is not warranted under existing law and cannot be supported by good faith argument ~~of for~~ extension, modification, or reversal of existing law; or the party is proceeding for purposes of harassment or other improper purpose; or

(iv) because of the temporary burden of other professional commitments, the attorney lacks the time necessary to represent the party; or

(v) the client has refused to enter into a reasonable fee agreement pursuant to subparagraphs (b)(9)(A)(i) or (ii); or

(vi) on such other grounds acceptable to the Court for good cause shown.

(B) An attorney seeking to be relieved from appointment for the reasons set forth in ~~section A (F)~~ subparagraph (b)(6)(A) (i), (ii), or (iii) above shall file a Notice of Withdrawal with the Court, with proof of service ~~upon~~ on the ~~client~~ pro se litigant, stating without identification of reasons, that "grounds for relief from appointment under ~~Section (7)~~ subparagraph (b)(6)(A)(I), (ii), or (iii) exist." Such notice will effect withdrawal without any Court action. ~~An attorney wishing to be relieved for the reasons set forth in Section (7)(A)(iv) or (v) shall file a Motion for Withdrawal setting forth the circumstances constituting cause for withdrawal. Withdrawal on Motion will require court approval.~~

~~(C) An application for relief from appointment must be made to the assigned judge within 30 days after the attorney's receipt of the order of appointment, or within such additional period permitted by the assigned judge for good cause shown.~~

~~(D) An application for relief from appointment shall be furnished to the client and filed under seal, and shall not be served upon or otherwise made available to the opposing party.~~

(C) An attorney wishing to be relieved for the reasons set forth in subparagraph (b)(6)(A)(iv) or (vi) shall file a motion for withdrawal setting forth the circumstances constituting cause for withdrawal, with proof of service on the pro se litigant. A motion citing (b)(6)(A)(v) shall include the fee agreement that the pro se litigant would not accept. This motion shall be filed under seal and shall not be served upon or otherwise made available to the opposing party. A withdrawal on motion will require Court approval, distribution of which shall be given to all parties if the withdrawing attorney had filed a notice of appearance.

(D) An attorney wishing to be relieved for the reasons set forth in subparagraph (b)(6)(A)(v) shall file a motion for withdrawal prior to entering an appearance, and shall submit with the motion a copy of the proposed fee agreement which the client has refused to sign.

(E) If an ~~application for relief~~ appointed attorney is relieved from an order of appointment ~~is granted~~, the judge may issue an order directing appointment of another attorney to represent the party, or may issue such other orders as may be deemed appropriate. ~~The judge shall have the discretion not to issue a further order of appointment, in which case the party shall be permitted to prosecute or defend the action pro se.~~

COMMENT TO LCvR 83.11(b)(6): This amendment clarifies the procedures for filing a notice of withdrawal and a motion for withdrawal and adds a provision (A)(v) permitting withdrawal on motion in the event the appointed attorney and the litigant are unable to come to terms on a contingent fee agreement, where relevant, pursuant to paragraph (b)(9).

(7) DISCHARGE.

(A) A party for whom an attorney has been appointed shall be permitted to request the judge to discharge the attorney from the representation and to either to appoint another attorney or let the party proceed *pro se*.

(B) When such a request is made, the judge shall forthwith issue an order discharging the appointed attorney from further representation of the party in the action. ~~In such cases, the judge and may issue a further, in his or her discretion, order directing appointment of another attorney to undertake the representation, or such other orders as may be deemed appropriate. The judge shall also have the discretion not to issue a further order of appointment in such cases pursuant to paragraph (b)(4).~~ Where a party requests discharge of a second appointed attorney, no additional appointments shall ordinarily be made.

COMMENT TO LCvR 83.11(b)(7): This amendment makes no substantive changes.

(8) EXPENSES.

(A) The Indigent Civil Litigation Fund, Inc. ("Fund") is a private, non-profit organization established to defray some reasonable expenses incurred in the course of representations pursuant to appointments under this Rule. A description of this Fund, its requirements, and application forms for reimbursement are available from the Clerk's office. Because the Fund's assets are limited, and because ~~There being~~ no public funds are available for this purpose at this time to defray expenses, the appointed attorney or the law firm or law school clinical legal program Clinic with which he or she is affiliated should be prepared to advance the reasonable expenses of the litigation but may seek reimbursement from the Fund.

(B) The appointed attorney shall not condition the representation upon the client's advancing the cost of the litigation expenses. The appointed attorney may enter into an agreement with the client wherein the client agrees:

(i) to reimburse the attorney for reasonable litigation expenses from any monetary recovery that may be obtained through the representation, and/or

(ii) to assign to the attorney any amounts awarded to the client as reasonable litigation expenses pursuant to law, including case law, authorizing the award of such expenses.

(C) For purposes of this Rule, reasonable litigation expenses shall include, but not be limited to, filing fees, witness fees (including consultant and expert witness fees), travel expenses, reproduction and printing costs, computerized legal research, long distance telephone charges and the costs of deposition and trial transcripts. Reasonable litigation expenses shall not include the attorney's normal office and overhead expenses, such as secretarial services and local telephone charges.

(D) The appointed attorney may waive, at any time, his or her entitlement to reimbursement for expenses under this Rule; such waiver must be in writing.

COMMENT TO LCvR 83.11(b)(8): This amendment reminds Panel members of the potential for recovery of some expenses under the Indigent Civil Litigation Fund. It also limits reimbursement to reasonable litigation expenses and clarifies what constitutes reasonable litigation expenses.

(9) ATTORNEY FEES.

(A) The appointed attorney shall represent the client without receiving a fee, except that in cases where ~~it appears the client is reasonably likely to~~ may be entitled to recover attorney fees or a monetary award or monetary settlement, the appointed attorney shall advise the client of the possibility of such recovery and may:

(i) enter condition the representation on the client's entering into a written agreement with the client, assigning to the attorney any amounts recovered by the client as attorneys' fees pursuant to laws, including case law, authorizing the award of attorneys' fees; and/or

(ii) propose to the client a contingent fee arrangement providing for the payment of a reasonable fee out of any funds recovered by the client as a result of the representation. A contingent fee arrangement shall provide that the amount

of any payments received by the attorney pursuant to an assignment agreement under subparagraph (i) above shall be credited against the client's fee obligations under such a contingent fee arrangement. Any such contingent fee arrangement shall be in writing, executed by both the attorney and the client, and submitted to the Court *ex parte* for its approval; or

(iii) seek to assist the client in retaining other counsel on a compensated basis, subject to the client's consent to such a change in representation and to the Court's approval of a request for relief from appointment under subparagraph (7)(A)(v) on the ground that the party no longer requires appointed counsel for the purpose of pursuing the claim, ~~or~~ but, if the appointed attorney is unable to obtain such other counsel for the client, he or she shall then continue the representation to its conclusion unless relieved by the Court, either without receiving a fee, or pursuant to an assignment or contingent fee arrangement as provided in subparagraphs (i) and (ii) above.

(B) Any attorney fee agreement permitted under subparagraphs (A) (i) and (ii) shall be entered into prior to the entry of the attorney's notice of appearance pursuant to paragraph 5(B).

(C) In cases ~~such as certain social security disability cases~~, in which the applicable statute authorizes the award of attorneys' fees to be paid out of the amounts awarded to the plaintiff, the appointed attorney shall advise the client of the possibility of such an award.

COMMENT TO LCvR 83.11(b)(9): This amendment allows a Panel member to condition their entry of an appearance upon the client entering into a contingent fee agreement approved by the Court. Because the rule applies to cases filed by both prisoners and non-prisoners, no amendment expressly addresses changes made by the Prison Litigation Reform Act. However, the calculation of any contingent fee agreement with a prisoner-plaintiff under subparagraph (b)(9)(A)(ii) should be reduced by the amount of any judgment that has been used to pay a portion of attorney fees under 42 U.S.C. ' 1997e(d)(2).

~~—(11) DURATION OF REPRESENTATION.~~

~~—(A) An appointed attorney shall represent the party in the action in the trial court from the date he or she enters an appearance until he or she has been relieved from the appointment by the court according to the provisions of this Rule or until a final judgment is entered in the action.~~

~~———— (B) ——— If the party desires to take an appeal from a final judgment or appealable interlocutory order or if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged but not required to represent the party on the appeal, and in any proceeding, judicial or administrative, which may ensue upon an order of remand, unless a conflict of interest would prevent such representation.~~

~~———— (C) ——— If the appointed attorney elects not to represent the party on an appeal or in a proceeding upon remand, the attorney shall advise the party of all required steps to be taken in perfecting the appeal or appearing in the proceeding on remand. Upon request of the *pro se* party the attorney shall file the notice of appeal. Such advise shall include available sources of appointed counsel.~~

(10) TRAINING SESSIONS.

The Committee on Pro Se Litigation ~~Committee~~ shall, in cooperation with the District of Columbia Bar, organize and conduct educational programs to train and advise attorneys on the Civil Pro Bono Panel in the preparation and trial of the most common types of civil actions involving *pro se* parties brought before this Court.

(11) APPOINTMENT OF NON-PANEL ATTORNEYS OR LEGAL-ORGANIZATIONS.

Nothing in this Rule shall be interpreted as preventing a judge from requesting a an attorney, law firm or legal organization that is not on the Civil Pro Bono Panel to represent a *pro-se* litigant who is proceeding in forma pauperis in this court; otherwise proceeding pro se in this Court. In addition, nothing in this Rule shall be interpreted as preventing an attorney who is not a member of the Bar of this Court, but who qualifies under Local Civil Rule 83.2(g) to practice before this Court, from representing an indigent litigant under Local Civil Rule 83.10 subject to the conditions of Local Civil Rule 83.2(g).

COMMENT TO LCvR 83.11(b)(11): This amendment makes no substantive changes, but clarifies that attorneys who are not members of the Bar of this Court may be members of the Panel if they comply with the conditions of Local Civil Rule 83.2(g), involving attorneys representing indigents.

COMMENT TO LCvR 83.11: This rule, promulgated in 1991, created the Court's Civil Pro Bono Panel and an Advisory Committee on Pro Se Litigation to oversee the operation of the Panel. The rule was amended in 2001 to

reflect the Court's experience with appointments from the Panel. Because the rule applies to cases filed by both prisoners and non-prisoners, no amendments expressly address changes made by the Prison Litigation Reform Act. The Court notes, however, that the calculation of any contingent fee agreement with a prisoner-plaintiff under subparagraph (b)(10)(A)(ii) should be reduced by the amount of any judgment that has been used to pay a portion of attorney fees under 42 U.S.C. ' 1997e(d)(2).